Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	CC Docket No. 92-105
The Use of N11 Codes and Other	)	
Abbreviated Dialing Arrangements	)	

COMMENTS OF THE AMERITECH OPERATING COMPANIES

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I. INTRODUCTION AND SUMMARY

The Ameritech Operating Companies[1] submit their Comments in response to the Commission's Notice of Proposed Rulemaking (NPRM) released in this docket on May 6, 1992. The Companies will show that assignment of N11 codes (three-digit codes consisting of a first digit of 2-9 followed by two 1s, *e.g.* 911) will cause severe adverse consequences that compel its rejection. However, the Companies will discuss other possible plans that have the potential of meeting the needs underlying the requests for N11 codes, while avoiding the adverse consequences of assigning N11 codes.

The Companies strongly support the continued use of N11 codes for important public purposes, including local exchange support functions. Public purposes and basic exchange functions are the optimal uses for these distinctive, easy-to-remember codes. The Companies oppose the assignment of N11 codes to specific service providers on an interim basis, because the premature assignment of the codes, for all practical purposes, would jeopardize their potential future use to support existing and new public

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[1]The Ameritech Operating Companies are: Illinois Bell Telephone Company; Indiana Bell Telephone Company, Incorporated; Michigan Bell Telephone Company; The Ohio Bell Telephone Company; and Wisconsin Bell, Incorporated.

purposes, including basic exchange functions. Recall of N11 codes also may result in hardship for customers and providers.

Another fundamental problem with the assignment of N11 codes is that there are not enough codes to establish an adequate dialing plan for providers.[2] The Commission should not compel -- by requiring the local assignment of N11 codes to specific providers -- the adoption of any dialing plan that does not furnish an adequate supply of numbers to meet projected demand. Since not all providers will receive an N11 code, allocating N11 codes among providers will have the effect of creating dialing inconsistences between providers. Such a dialing difference would be confusing to customers, who associate N11 codes with emergency and basic exchange functions and expect that enhanced services, particularly pay-per-call services, will utilize numbers that begin with 900 and 976.

In considering the need to assign N11 codes to enhanced service providers, it should be kept in mind that very substantial numbering resources have already been dedicated to these providers in the form of the 900 service access code (SAC) and the 976 central office (C.O.) code. These dialing plans represent approximately 16 million telephone numbers, of which a substantial portion are still available for assignment.

N11 codes also should not be assigned to individual providers because their assignment would cause administrative confusion, uncertainty and additional costs. Allocating and reclaiming N11 codes will create

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[2]When considering the potential demand for N11 codes, the Companies expect to receive requests for codes from virtually all segments of the industry. The boundary in this area between enhanced service providers (ESPs), interexchange carriers (ICs), competitive access providers (CAPs), wireless carriers, local exchange carriers (LECs) and customers is blurred because each group provides services that could utilize an N11 code. In fact, the Companies have already received requests for N11 codes from an IC and a wireless carrier, among the eleven requests it has received so far.

monumental administrative problems and will lead to a rash of complaints and litigation for the Commission and the 1,400 individual LECs that would assign N11 codes.

If the Commission decides to compel LECs to assign N11 codes, then the Commission should not leave the LECs exposed to the substantial potential liability that will flow from that action, unless the Commission resolves the contested issues relating to the assignment, use and recall of codes. In particular, the rules should provide that waiver of any right to contest the allocation procedure and the return of a code is a condition of applying for a code. The rules also should establish an expedited regulatory process for the return of codes, that will culminate in an order in a specified time period.

II. CODES SHOULD NOT BE ASSIGNED TO INDIVIDUAL PROVIDERS.

A. N11 Codes Should Be Used For Important Public Purposes, Including Basic Exchange Functions.

1. The Current Assignment of N11 Codes Should Be Maintained.

The Commission has recognized the important functions served by 911 and 411 uses, and has tentatively concluded that it will not disturb their current use.[3] The Companies strongly support this conclusion.[4] With

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[3]NPRM at ¶ 11.

[4]The Commission has asked whether the LECs' use of 411 should be restricted to the provision of "directory assistance information that is classified as basic or adjunct to basic." NPRM at ¶11. If the status quo is preserved, and N11 codes are not assigned to providers, then the Companies believe that the use of 411 should be restricted to local directory assistance functions that assist customers in finding local exchange listings. In fact, the Companies have voluntarily followed this approach. If, however, N11 codes are assigned to providers, then the Companies believe that they should have the option to use 411 to deliver enhanced services. This would promote the efficient use of scarce N11 codes, because the Companies could use 411 rather than another N11 code. It also would expand customer choice by giving consumers the option of reaching yet another enhanced service through an N11 code.

respect to 611 and 811, however, the Commission has asked whether the LECs' use of these codes "represents an efficient use . . . that serves an important public purpose."[5] When considering this issue, the Commission should not forget that other facility-based exchange service carriers also are free to utilize these abbreviated codes on their networks for nationally recognized important public purposes. The appropriateness of the use of 611 and 811 should be considered against the standard of customer convenience. When measured against this standard, it is clear that these codes do perform an important function for customers and should continue to be dedicated to their existing local service support functions.

611 dialing was designed to encourage the rapid reporting of telephone trouble conditions, thereby facilitating restoral of service and maintenance of the public switched network. This distinctive, easy-to-remember code is particularly appropriate for repair, because customers often need to call the repair office from outside of their homes, where they may not have access to a telephone directory to look up an unfamiliar number. The continued use of a known code for repair service helps address the Commission's recent concern with network reliability and the prompt reporting of network outages.[6]

A forced conversion from 611 to any other code or number would cause unnecessary customer confusion and dislocation that would translate into misdirected calls to the repair office. 611 has been used in much of the

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[5]NPRM at ¶ 12.

[6]*See, In the Matter of Amendment of Part 63 of the Commission's Rules to Provide for Notification by Common Carriers of Service Disruptions*, CC Docket No. 90-273, Notice of Proposed Rulemaking, released September 19, 1991, and Report and Order, released February 27, 1992.

Ameritech region for at least forty years. Naturally, over that period of time, customers using the 611 code have developed a strong expectation that 611 will put them in touch with their repair office. These customers would incur substantial hardships and dislocations if the network is suddenly re-programmed to use a different number for repair service.

2. Unassigned N11 Codes Should Remain Available To Support Important Public Purpose Functions.

Potential future public interest uses of N11 codes that may emerge are hard to predict in advance. However, the use of N11 codes for these purposes should not be prematurely foreclosed. Examples of potential uses for N11 codes that have been discussed, include (1) use as Numbering Plan Area (NPA) codes[7]; (2) access to special services for hearing-impaired customers; (3)

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[7]Under the current North American Numbering Plan (NANP), the basic public switched network address format is ten-digit numbers. The ten-digit numbers are subdivided into two parts: 1) a three-digit area or Numbering Plan Area (NPA) code, and 2) a seven-digit telephone number. The telephone number is made up of a three-digit central office code (C.O. code), and a four-digit station number.

NPAs currently consist of numbers in the format N (0/1) X, where N is any digit 2-9, the middle digit is either a 0 or 1 and the X is any digit 0-9. The NPA format yields 152 assignable NPA codes. Each NPA yields a possible universe of 792 assignable C.O. codes, and each C.O. code supports 10,000 possible telephone numbers. As a result, the supply of possible telephone numbers in any NPA is approximately 7.92 million. When the supply of numbers in an NPA is exhausted, the area is assigned a new NPA and is split between the existing and new NPAs. An example is the Chicago area, which was recently split between the existing 312 NPA and a new 708 NPA.

Only one unassigned NPA remains. As a result, the NPA format will be revised in 1995, to support additional NPAs. The new format will be NXX, where the N represents any digit 2-9 and the Xs any digit 0-9. The new format is called Interchangeable Numbering Plan Area (INPA) and will increase the current 152 assignable NPA codes to 792 INPA codes. However, due to the fact that the supply of telephone numbers in a specific NPA may exhaust prior to 1995, the remaining four unassigned N11 codes could potentially be used for emergency assignment as an NPA. The assignment and use of N11 codes as NPAs would require modifications to AT&T's 1AESS and 1ESS and Siemens' EWSD switching and software support systems within the Companies' network, in order to update the call processing codes or the required translation tables. Although this process is time-consuming and costly, the possibility of the use of the N11 codes as NPAs should not be foreclosed in this docket.

at the request of state and local officials, assigning 911 emergency service to three separate N11 codes, one each for police, fire and medical; and (4) other public interest service access systems (hazardous spill reporting, tornado-hurricane information). These potential uses all clearly underscore the need to preserve the availability of these codes by not assigning them, even on an interim basis.

B. Use Of N11 Codes By Providers Is Not An Adequate Dialing Plan.

1. Dialing Plans Other Than N11 Can Permit Assignment Of Uniform Numbers To All Providers.

The NANP currently supports both a local and a national dialing plan for enhanced services in the form of 976-XXXX (976) and 900-NXX-XXXX (900). The combination of these two formats provides a total of about 16 million currently available numbering combinations that can be utilized solely for enhanced services. Numbers under either nationally recognized format are plentiful and permit the national assignment of numbers in uniform formats to all ESPs. Any dialing plan for providers -- like the 900/976 plans -- should provide a sufficient supply of numbers to permit assignment of numbers in a uniform format to all qualified users, now and for the foreseeable future.

The Companies are not opposed to the concept of improving the dialing plan for enhanced services. To the contrary, they believe that easy-to-remember codes and other dialing improvements have the potential of accelerating the deployment and utilization of enhanced services to the benefit of all concerned. If there is sufficient demand to warrant the development of such a plan and to recover its cost, the Companies endorse its deployment on an expedited basis. What the Companies are opposed to is the use of N11 codes as a shortcut to achieve that result. The Companies are

convinced that the use of N11 codes by providers will in the long run stifle the development of the enhanced service industry and cause customer confusion and hardship.

2. Demand For N11 Codes Will Far Exceed The Supply.

The supply of potential N11 codes is mathematically limited to eight codes (211-911). Of these eight codes, four (411, 611, 811 and 911) are properly reserved for and being used to access emergency services and basic exchange support functions. As discussed in Section II.A, these existing uses provide substantial benefits to customers and should not be disturbed. As a result, only four codes (211, 311, 511 and 711) remain available for assignment in any given geographic area.

However, the demand for N11 codes will far exceed the four N11 codes that are available. Even though the Companies have taken no steps to offer N11 codes for assignment, they have already received eleven requests for N11 codes. Further, there is no reason to believe that requests for N11 codes will be limited to traditional ESPs. Since ICs, CAPs, LECs, wireless carriers, and customers all provide services that could use an N11 code, the Companies fully expect that all these groups eventually will desire N11 codes. This expectation has been borne out by the requests received to date, which include requests from several of these groups. The bottom line is that demand for N11 codes will far exceed the available supply and most parties seeking a code will be disappointed.

Existing 900/976 providers, who entered the business under the expectation that all other providers also would use the 900/976 numbers. These providers would be frustrated if other providers could suddenly use N11 codes, while they could not obtain a code. The same frustration also

would likely be felt by those ICs, who are compelled to use Carrier Identification Codes (CICs)[8], if another IC obtains an N11 code.

3. Assignment Of N11 Codes Would Require Use Of Conflicting Numbering Formats That Would Cause Customer Confusion.

If N11 codes are assigned, the use of conflicting numbering formats for the same types of services (*i.e.* N11 v. 900/976) will be confusing to customers. The customer confusion will result from the fact that some providers of a service in an area will use three-digit N11 codes, while other providers of the service in the same area will use traditional telephone numbers. In addition, the same provider may use numbers in different formats for the same service in different areas, or for different services in the same area. The confusion will be magnified by the fact that customers expect that enhanced services, particularly pay-per-call services, will use 900 and 976 numbers, while they expect that the distinctive N11 codes will be used for official emergency and exchange service support functions.

4. A Temporary Assignment Of N11 Codes To Providers Will Make The Return Of Those Codes Very Difficult And Could Lead To Hardships.

A dial plan that requires the intentional temporary assignment of codes is not a reasonable dialing plan and is not in the public interest. The Commission need only consider the difficulties arising from the efforts to

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[8]Abbreviated dialing through CICs is already available for access to ICs' points of presence. ESPs also are eligible to receive CICs for their switched access traffic. The CIC dialing plan provides to each IC three-digit CICs, which are valid on a national basis and automatically route that IC's traffic to it. With a CIC, the IC's customer simply dials 1 0 XXX, where the XXX can be any digit 0-9, to access the IC's point of presence. The customer then dials the number of the called party to complete the process. The supply of three-digit CIC codes is being exhausted, and as a result, the CIC format is being enlarged to four-digits. The new CIC format will require customers to dial 101 XXXX.

obtain the voluntarily return of excess CICs (CICs in excess of the three that may be held by a single IC) acquired by some ICs through mergers and acquisitions, to appreciate the magnitude of the problems that will arise if a provider is required to relinquish its single N11 code.[9]

The reality is that once an N11 code is assigned to a provider, the code will be very difficult to recall. The provider using the N11 code will, with some justification, argue that recall of the code is unfair since the user relied on the assignment of the code and has spent a great deal of time, effort and money promoting its use. The provider also may argue that reassignment of its code will impose significant hardship on itself and its customers. The best way to assure the availability of N11 codes and to avoid hardship is not to assign N11 codes, but rather to utilize an appropriate permanent dialing plan, such as the existing 900/976 plan.

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[9]Late in 1990, the CIC assignment rate suddenly increased from around eight per month to twelve per month. As a result of that sudden acceleration in CIC utilization, it became clear that the remaining supply of CICs might exhaust prior to the scheduled expansion dates for CICs. As a result, the conversion dates for the CIC expansions were moved up as much as was feasible, and the North American Numbering Plan Administrator began to redouble its effort to conserve unassigned codes and to reclaim excess and unused CICs pursuant to voluntary guidelines adopted by the industry through the Industry Carrier Compatibility Forum (ICCF). The ICCF is a public forum open to all industry members, including regulators.

Due to mergers and acquisitions (M&A), some ICs had acquired more than their full quota of three CICs (M&A CICs). 62 M&A CICs have been identified. Yet as of June, 1992, only two have been recovered. The North American Numbering Plan Administrator's efforts to reclaim the remaining M&A CICs have met with very limited success, with most ICs either refusing to return their M&A CICs or agreeing in theory to return the codes but asking for a long lead time. For a further discussion of the CIC code expansion, and reclamation and conservation efforts, *See*, Comments of the Ameritech Operating Companies, filed December 20, 1991, *In the Matter of Administration of the North American Numbering Plan*, DA 91-1307, at pp. 9-10.

C. Assignment of N11 Codes Would Create Monumental Enforcement Problems And Lead To Vexatious Litigation.

Another reason the Commission should not order assignment of N11 codes is that their use will inevitably lead to a rash of administrative complaints and vexatious litigation. The issues which will generate complaints and suits in the N11 area are clear. Any allocation system will be challenged by those who do not receive a code. Any restrictions on use, such as limiting the length of assignment or blocking harmful content, also will be challenged. Most problematic of all will be attempts to recall N11 codes. These types of complaints could be made against each of the 1,400 LECs who assign N11 codes,[10] and the Commission would find itself squarely in the middle of these proceedings. In addition, these issues will likely spawn numerous suits in many different state and federal courts, which would surely produce conflicting results.

Of course, the burden of enforcement, standing alone, is not a sufficient reason to avoid taking an action which is otherwise in the public interest. However, as previously discussed, there are significant adverse consequences associated with the assignment of N11 codes, which also compel that the Commission not order assignment of N11 codes. The clear prospect of a crushing administrative caseload and a host of suits should properly be considered as an additional factor against N11 code assignment.

[10]Under the NANP, the task of assigning N11 codes for local use is the responsibility of each individual LEC. There are approximately 1,400 LECs.

D. States Have A Strong Interest In The Assignment And Use of N11 Codes

While the Commission claims "plenary jurisdiction over numbering plan issues",[11] its actions in this area should take into account the strong impact that assignment of N11 codes will have on local activities. N11 codes are used to provide local exchange functions, which is an area reserved to the jurisdiction of the states. In addition, emergency 911 services are local systems generally created and operated under state statute.[12] Further evidence of the strong state interest in N11 codes is that these codes are only dialable on an intrastate basis. Calls to N11 codes must originate from a switch in the same NPA to which the N11 code is assigned, which is always within the same state.[13] Thus, the compelling state interest in the use of N11 codes must be accommodated. The Companies suggest that, regardless of the boundaries of the Commission's jurisdiction in this area, N11 policy should be closely coordinated with the state regulators.

III. THE COMMISSION SHOULD ENCOURAGE THE INDUSTRY TO EXPLORE THE FEASIBILITY OF AN UBIQUITOUS DIALING PLAN FOR ENHANCED SERVICES.

The N11 requests and the NPRM are very closely tied to other activities currently ongoing in the industry: for example, the North American Numbering Plan Administrator's proposal on the future of numbering or the Information Industry Liaison Committee's Issue #011, Uniform Access Numbers. The Commission should continue to encourage these efforts. A

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[11]NPRM at ¶ 8.

[12]*See*, for example, Uniform Emergency Telephone Number System Act, Ohio Revised Code Annotated, § 4931.40 *et seq.*

[13]NPA boundaries do not cross state boundaries.

ruling on N11 implementation could effectively prematurely preempt some of the work by the industry.

The industry, as well as the Companies, is investigating a number of potential plans that could address the needs underlying the requests for an N11 access code, while accommodating significantly greater demand. Initial investigations by the Companies indicate that, in the near term, there seem to be viable solutions -- dialing plans (*e.g.* NXX#), numbering plans (*e.g.* Local Enhanced Service Provider Access Code) and/or platform-based plans (*e.g.* access to a database). Depending upon the approach selected, these plans could be evolved transparently, or nearly so, to more efficient solutions (such as voice-dialing) for the mid- and long-term.

Preliminary analysis performed by the Companies has focused on a switch-based approach, via local dialing plan solutions, for the near term. One local dialing plan has emerged which is potentially technically viable, while improving on the N11 proposal and eliminating its major defects. That dialing plan is the 3-digit plus # format (*e.g.* NXX#). Rather than providing merely a handful of access numbers, this plan produces approximately 790 codes for assignment to local service providers. The plan thereby avoids the customer confusion, hardships, dialing disparities, and administrative and enforcement entanglements associated with assignment and recall of the very limited supply of N11 codes.

There are numerous unresolved technical, administrative, cost and market demand issues associated with the NXX# plan that must be pursued before it can be deployed. Issues identified thus far by the Companies do not appear to be insurmountable. However, there may be additional issues that will be identified by other segments of the industry or that will emerge when

the proposal is studied in greater detail. The following is a representative sampling of the Companies' current list of issues:

1. Can codes in the NXX# format be supported on all vendors' switches, or are they limited to certain brands?

2. If certain vendors' switches, or certain switch types, require some development to support NXX# codes, how long will it take, and what will it cost?

3. What will it cost to implement NXX# codes?

4. Will NXX# codes support: a) reverse-billed only; b) sent-paid only; c) billed alternatively; d) a combination of billing methods? Is there a need for development to rating/billing systems and procedures to meet billing needs?

5. Will NXX# codes be translated to any NANP number, including SACs? If so, how will the caller (to either an audio or data service) know a long distance charge or other charge may be incurred? Can originating blocking also be applied if the call is being routed to a pay-per-call provider, and at what cost?

6. Will access be technically limited to sent-paid calls initially? If so, are coin sent-paid included? When will 0-, 0+ and 1+ dialing be achievable?

7. Will potential demand exceed the approximately 790 codes made available via an NXX# dialing plan format? If so, is it desirable to expand to a four-digit format? Would additional development be required? At what point is the advantage of abbreviated dialing lost?

8. Should there be usage constraints to defer the exhaust of NXX# codes that could result from general requests, from other than telephone-related information services providers, such as for vanity numbers for small, medium and large businesses?

9. Should NXX# codes be assigned to services, to providers, and/or as gateways to specific service types (*e.g.*, a gateway to voicemail services offered by numerous providers)?

The Companies believe that there are many other potentially viable plans. Such plans all deserve scrutiny and consideration as near-term and long-term solutions, which have the potential of being far preferable to a hasty, potentially short-lived (and thus, costly) misuse of N11 codes.

IV. IF THE COMMISSION ORDERS ASSIGNMENT OF N11 CODES TO PROVIDERS, THEN THE PUBLIC INTEREST REQUIRES THAT THE COMMISSION SPECIFY PROCEDURES FOR ASSIGNMENT, RECALL AND USE OF N11 CODES.

For the reasons discussed above, the Companies strongly oppose the assignment of N11 codes to individual providers. Nonetheless, if the Commission insists on ordering assignment of N11 codes, the Commission should not leave the LECs and others exposed to substantial liability by not taking the next step of fully analyzing and addressing the practical implications of such an order. At the very least, the Commission should develop detailed procedures for the allocation, recall and use of N11 codes.

A. Allocation of N11 Codes.

The Commission should not merely compel assignment of N11 codes, and then wash its hands of all the practical details of allocating those few codes among the many requesting parties. The Commission has control of the regulatory process and is, therefore, uniquely positioned to solicit industry input and to develop the optimal allocation procedure. It simply makes sense for the Commission to conduct a single nationwide debate on the allocation issue, and to establish a single nationwide resolution. The alternative is to have each of the 1,400 LECs duplicate this activity and develop 1,400 different local allocation procedures.

Moreover, LECs would be highly vulnerable to charges of impropriety in designing an N11 code allocation procedure. Regardless of the allocation system used, those parties who unsuccessfully request an N11 code (and they will far outnumber the successful applicants) will challenge that system as unreasonable, discriminatory or otherwise unlawful. The resulting complaints and suits would not only be against the LECs, but also would likely include the Commission, state regulators, all carriers that use N11 codes, and the providers that were assigned N11 codes. Cox Publishing, for example, has already advanced its position that the law requires LECs to follow a "first come, first served" allocation system.[14] Another party may well argue that the law requires LECs to provide some type of notice that N11 codes are available (*e.g.*, state approval of a tariff offering) before they can accept applications or that the allocation system must provide all potential applicants with an equal chance to receive a code, such as a lottery or auction.

While a Commission-mandated allocation procedure would be subject to these same attacks, it would have two significant advantages. First, it is axiomatic that the Commission's rule would be presumptly valid.[15] A LEC-devised system would enjoy no presumption of legitimacy. Second, any challenges to the Commission's allocation procedure could be litigated and resolved in a single proceeding, rather than in 1,400 or more separate proceedings.

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[14]Letter from Dow, Lohnes & Albertson on behalf of Cox Enterprises, Inc., dated March 17, 1992, at pp. 4-5.

[15]*See*, for example, Griggs v. Duke Power Co., 401 U.S. 424, 91 S.Ct. 849, 28 L. Ed 158 (1971); I.C.C. v Jersey City, 322 U.S. 503, 645 S. Ct. 1129, 88 L. Ed 1420 (1949); and TNT Tariff Agents, Inc. v. I.C.C., 525 F. 2d 1089 (1975).

For all of these reasons, if the Commission compels assignment of N11 codes, the Commission should mandate a procedure for the allocation of the codes. The Companies have not yet developed their recommendation as to which allocation procedure the Commission should adopt. However, they do believe that any allocation procedure should achieve these basic goals:

1. provides to all potential users a fair opportunity to obtain an N11 code;

2. ensures that N11 codes will be used, and not just held for speculation;

3. ensures that N11 codes will be used to provide valuable services that benefit a broad base of customers; and

4. waives an applicant's right to contest the allocation procedure.

The Commission's rule should specify that a user of an N11 code has no authority to sell or transfer its code to another. If the user of an N11 code no longer wishes to actively use that code, it should not be allowed to profit from the sale of the code to another. Otherwise, N11 codes may become a commodity hoarded or held for speculation. Surely, the customer will not benefit from a Commission sanctioned secondary market for N11 codes. Instead, if a provider is no longer using an N11 code, the provider should be required to return the code for allocation to another user. If the initial allocation procedure meets the criteria described above and is in the public interest, then that allocation procedure, and not a secondary resale market, should control the reassignment of N11 codes.

B. Recall of N11 Codes.

The Companies agree with the Commission that N11 codes, if assigned, must be subject to recall on short notice.[16] A recall period of six months appears to strike the proper balance between the public's need for the code, and the user's need to make alternative dialing arrangements. In analyzing the question of the appropriate notice period for the recall of a code, the Commission should consider that generally a code or number used by a customer or carrier should not be placed into service immediately after it is recalled, since many network users will continue to dial the code or number for some period of time after it has been recalled.

The recall procedure also must be enforceable and result in the timely return of codes. This can be achieved -- if at all -- only if recall is specifically compelled by Commission rule. The current experience with voluntary recall of CICs proves the point.[17] The lesson is clear. The only way that N11 codes can be "subject to recall on short notice" is for the Commission to promulgate rules which set out detailed procedures for recall. These rules should include provisions which:

1. authorize automatic reclamation of N11 codes six months after notice to the user;

2. condition the right to apply for an N11 code on the agreement of the user to consent to automatic reclamation;

3. condition the assignment of an N11 code on the user's waiver of any right to compensation for recall; and

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[16]NPRM at ¶ 13.

[17]*See*, p. 9, n. 9, *infra* for a discussion of the problems encountered in attempting to obtain the recall of these "excess" CICs.

4. authorize an expedited review process for N11 recall complaints (whether filed by an N11 user, the North American Numbering Plan Administration, or anyone else) which requires that the comment cycle be completed within 45 days, and that the Commission issue an order 45 days after completion of the comment cycle.

C. Use of N11 Codes.

Under the N11 code assignment proposed by the Commission, N11 codes could be used to provide pay-per-call service, much like services provided over 900/976 numbers. This use of N11 codes will generate consumer complaints about overcharging for services and access by minors to adult phone programs. The Commission has recently promulgated rules which address these problems.[18] The solution ordered by the Commission was to require ICs providing interstate pay-per-call services to provide a preamble to all callers before charges are incurred. This preamble discloses specific price and product information, warns minors to hang up unless they have parental permission, and identifies the service provider. The Order also requires LECs to offer their subscribers the option to block all calls to interstate 900 services.

The Commission should anticipate that the consumer complaints which spawned these rules for pay-per-call services will reappear in the context of N11 services. Accordingly, the Commission should either exclude pay-per-call from N11 codes or extend its preamble and blocking requirements to include interstate pay-per-call services provided over N11 codes. 411 should be exempt from these requirements to the extent it is used to provide local directory assistance.

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[18]*Policies and Rules Concerning Interstate 900 Telecommunications Services*, CC Docket No. 91-65, Report and Order, 6 F.C.C. Rcd 6166 (released October 23, 1991).

Of course, it is the the Companies' policy not to bill for pay-per-call programs which they consider to be harmful to their reputations or which pose a financial nuisance to their customers. The Companies intend to apply this policy, if pay-per-call services are offered via N11 codes.

V. CONCLUSION

Assignment of N11 codes to specific providers is not in the public interest and should be rejected by the Commission. While a handful of providers may derive some small benefit from having an easy-to-remember code rather than a telephone number, this slight benefit is far outweighed by the detriment and customer confusion that will result from N11 code assignment. N11 code assignment would interfere with the ability to use N11 codes to support existing and new public benefit and exchange support functions, would create widespread customer confusion, would impose administrative and enforcement obligations on the Commission and the LECs, and could conflict with legitimate state interests in local services.

Moreover, N11 dialing is not an effective dialing plan for providers. The acute shortage of N11 codes would guarantee that most providers would continue to use other numbers, while a few lucky providers will be allowed to use the distinctive N11 codes. The use of numbering in conflicting formats for the same service types would result in significant customer confusion and frustration for those providers who did not receive a code. Finally, other more appropriate options to improve the dialing plan may be available for use in a few short years. When all of these facts are balanced, it is clear that N11 code assignment is not in the public interest.

If the Commission is determined to order LECs to assign N11 codes, then it must ensure that preamble and blocking safeguards, as well as detailed allocation and recall procedures, are in place.

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CERTIFICATE OF SERVICE

I, Diana M. Lucas, do hereby certify that copies of the foregoing comments of the Ameritech Operating Company were sent via first class mail, postage paid, on this the 5th day of June 1992:

By: Diana M. Lucas
Diana M. Lucas

DATED: June 5, 1992